

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYROSH BROWN,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:09-cv-00740

SHAWN BRENNER, et al.,

Defendants.

REPORT AND RECOMMENDATION

On August 18, 2009, the Honorable Janet T. Neff referred this case to the undersigned for handling of all matters under § 636(a) and § 636(b)(1)(A) and for submission of recommendations on dispositive motions under § 636(b)(1)(B). Defendants' Motion for Summary Judgment (Dkt. 38) was filed on October 20, 2010. Plaintiff has not responded to Defendants' Motion for Summary Judgment (Dkt. 38), despite the Court ordering him on December 3, 2010 to respond and giving him an additional amount of time in which to do so (Dkt. 43). That order to respond stated, "Plaintiff shall have until Wednesday, December 15, 2010 to respond to the motion. If he does not, the court will consider entering a report and recommendation to the Honorable Janet T. Neff that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court."

Because Plaintiff has not filed any opposition to the motion for summary judgment and because he has failed to comply with the Court's December 3, 2010 order, the undersigned

recommends that Defendants' Motion for Summary Judgment (Dkt. 38) be granted and that this case be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court.

Respectfully submitted,

Date: January 5, 2011

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).